

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2772

Introduced by Assembly Member Nation

February 24, 2006

~~An act to amend Section 65583.2 of the Government Code, relating to housing.~~ *An act to add Article 6 (commencing with Section 14320) to Chapter 3 of Division 14 of the Elections Code, relating to voter registration.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2772, as amended, Nation. ~~Housing.~~ *Voter registration.*

(1) Under existing law, a person duly registered as a voter in any precinct in California who moves from the district within 14 days prior to an election shall, for the purpose of that election, be entitled to vote in the precinct from which the person moved until the close of the polls on the date of that election.

Existing law also requires that a person may not be registered as a voter except by affidavit of registration and requires that the affidavit be mailed or delivered to the county elections official. Existing law also provides that a properly executed registration is deemed effective upon receipt of the affidavit by the county elections official no later than the 15th day prior to an election, unless specified circumstances apply.

This bill would establish procedures that would authorize every elector who qualifies to vote in California to register on election day at a polling place in his or her precinct or at the office of the county elections official and to cast a provisional ballot for the election, as specified.

The bill would also require the county elections official to compile a list or index of voters who registered to vote pursuant to these provisions and to conduct a review not later than 30 days after the canvass of the votes for the election, as specified. By increasing the duties of county elections officials, the bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law defines “land suitable for residential development” for purposes of identifying a city’s or county’s inventory of land that can be developed for housing.~~

~~This bill would make a technical, nonsubstantive change in that definition.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 6 (commencing with Section 14320) is
2 added to Chapter 3 of Division 14 of the Elections Code, to read:

3
4 Article 6. Election Day Registration and Voting

5
6 14320. Every elector who qualifies to vote under this code
7 and Section 2 of Article II of the California Constitution, and
8 who on election day registers to vote at a polling place in his or
9 her precinct or at the office of the county elections official, may
10 cast a ballot for the election held within the territory within
11 which he or she resides and the election is held.

12 14321. A person who registers to vote on the day of the
13 election pursuant to this article may cast a provisional ballot at
14 that election as provided in Section 14310.

15 14322. (a) A voter shall properly execute a voter registration
16 affidavit before being entitled to cast a provisional ballot. The

1 county elections official shall provide voter registration forms for
2 use in registration at the voting location.

3 (b) The procedures for registration under Section 14311 shall
4 apply to registration under this article to the extent practicable.

5 (c) The elections official shall send a voter notification form
6 within 15 days after the date of the election to any person who is
7 properly registered to vote pursuant to this article. The voter
8 shall be registered at that address for future elections.

9 14323. The county elections official shall compile a list or
10 index of voters who registered to vote pursuant to this article.
11 Not later than 30 days after the canvass of the votes for the
12 election, the county elections official shall conduct a review of
13 the names on the list or index and cancel any duplicate voter
14 registrations that may exist.

15 SEC. 2. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.

20 SECTION 1. ~~Section 65583.2 of the Government Code is~~
21 ~~amended to read:~~

22 ~~65583.2. (a) A city's or county's inventory of land suitable~~
23 ~~for residential development pursuant to paragraph (3) of~~
24 ~~subdivision (a) of Section 65583 shall be used to identify sites~~
25 ~~that can be developed for housing within the planning period and~~
26 ~~that are sufficient to provide for the jurisdiction's share of the~~
27 ~~regional housing need for all income levels pursuant to Section~~
28 ~~65584. As used in this section, "land suitable for residential~~
29 ~~development" includes all of the following:~~

30 ~~(1) Vacant sites zoned for residential use.~~

31 ~~(2) Vacant sites zoned for nonresidential use that allows~~
32 ~~residential development.~~

33 ~~(3) Residentially zoned sites that are capable of being~~
34 ~~developed at a higher density.~~

35 ~~(4) Sites zoned for nonresidential use that can be redeveloped~~
36 ~~for, and as necessary, rezoned for, residential use.~~

37 ~~(b) The inventory of land shall include all of the following:~~

38 ~~(1) A listing of properties by parcel number or other unique~~
39 ~~reference.~~

1 ~~(2) The size of each property listed pursuant to paragraph (1);~~
2 ~~and the general plan designation and zoning of each property.~~

3 ~~(3) For occupied sites, a description of the existing use of each~~
4 ~~property.~~

5 ~~(4) A general description of any environmental constraints to~~
6 ~~the development of housing within the jurisdiction, the~~
7 ~~documentation for which has been made available to the~~
8 ~~jurisdiction. This information need not be identified on a~~
9 ~~site-specific basis.~~

10 ~~(5) A general description of existing or planned water, sewer,~~
11 ~~and other dry utilities supply, including the availability and~~
12 ~~access to distribution facilities. This information need not be~~
13 ~~identified on a site-specific basis.~~

14 ~~(6) Sites identified as available for housing for~~
15 ~~above-moderate income households in areas not served by public~~
16 ~~sewer systems. This information need not be identified on a~~
17 ~~site-specific basis.~~

18 ~~(7) A map that shows the location of the sites included in the~~
19 ~~inventory, such as the land use map from the jurisdiction's~~
20 ~~general plan for reference purposes only.~~

21 ~~(e) Based on the information provided in subdivision (b), a~~
22 ~~city or county shall determine whether each site in the inventory~~
23 ~~can accommodate some portion of its share of the regional~~
24 ~~housing need by income level during the planning period, as~~
25 ~~determined pursuant to Section 65584. The analysis shall~~
26 ~~determine whether the inventory can provide for a variety of~~
27 ~~types of housing, including multifamily rental housing,~~
28 ~~factory-built housing, mobilehomes, housing for agricultural~~
29 ~~employees, emergency shelters, and transitional housing. The~~
30 ~~city or county shall determine the number of housing units that~~
31 ~~can be accommodated on each site as follows:~~

32 ~~(1) If local law or regulations require the development of a site~~
33 ~~at a minimum density, the department shall accept the planning~~
34 ~~agency's calculation of the total housing unit capacity on that site~~
35 ~~based on the established minimum density. If the city or county~~
36 ~~does not adopt a law or regulations requiring the development of~~
37 ~~a site at a minimum density, then it shall demonstrate how the~~
38 ~~number of units determined for that site pursuant to this~~
39 ~~subdivision will be accommodated.~~

~~(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (4) of subdivision (a) of Section 65583.~~

~~(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:~~

~~(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.~~

~~(B) The following densities shall be deemed appropriate to accommodate housing for lower income households:~~

~~(i) For incorporated cities within nonmetropolitan counties and for nonmetropolitan counties that have micropolitan areas: sites allowing at least 15 units per acre.~~

~~(ii) For unincorporated areas in all nonmetropolitan counties not included in clause (i): sites allowing at least 10 units per acre.~~

~~(iii) For suburban jurisdictions: sites allowing at least 20 units per acre.~~

~~(iv) For jurisdictions in metropolitan counties: sites allowing at least 30 units per acre.~~

~~(d) For purposes of this section, metropolitan counties, nonmetropolitan counties, and nonmetropolitan counties with micropolitan areas are as determined by the United States Census Bureau. Nonmetropolitan counties with micropolitan areas include the following counties: Del Norte, Humboldt, Lake Mendocino, Nevada, Tehama, and Tuolumne and such other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.~~

~~(e) A jurisdiction is considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction's population is greater than 100,000, in which case it is considered metropolitan.~~

Counties, not including the City and County of San Francisco, will be considered suburban unless they are in a MSA of 2,000,000 or greater in population in which case they are considered metropolitan.

(f) A jurisdiction is considered metropolitan if the jurisdiction does not meet the requirements for “suburban area” above and is located in a MSA of 2,000,000 or greater in population, unless that jurisdiction’s population is less than 25,000 in which case it is considered suburban.

(g) For sites described in paragraph (3) of subdivision (b) the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c) and at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c). At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted.

(i) For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development

1 ~~permit, or other discretionary local government review or~~
2 ~~approval that would constitute a “project” for purposes of~~
3 ~~Division 13 (commencing with Section 21100) of the Public~~
4 ~~Resources Code. Any subdivision of the sites shall be subject to~~
5 ~~all laws, including, but not limited to, the local government~~
6 ~~ordinance implementing the Subdivision Map Act. A local~~
7 ~~ordinance may provide that “use by right” does not exempt the~~
8 ~~use from design review. However, that design review shall not~~
9 ~~constitute a “project” for purposes of Division 13 (commencing~~
10 ~~with Section 21100) of the Public Resources Code. Use by right~~
11 ~~for all rental multifamily residential housing shall be provided in~~
12 ~~accordance with subdivision (f) of Section 65589.5.~~